

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA)	
)	
v.)	
)	CASE NO: 14-CR-01261-RB
PAWAN KUMAR JAIN)	

**DEFENDANT PAWAN KUMAR JAIN'S UNOPPOSED
MOTION TO TRANSPORT TO COMPLETE NEUROLOGICAL EXAMS**

The Defendant, Pawan Kumar Jain (**Jain**), in the above-styled and numbered cause, respectfully requests the Court enter an order authorizing the United States Marshal for the District of New Mexico transport **Jain** to any necessary future medical appointments as requested by his attorney so that **Jain** may have any necessary scans or tests performed as part of his neurological testing. In support of this motion, **Jain** would show the Court as follows:

I.

On October 27, 2014, the Court entered an order granting the Defendant's request for a competency evaluation [Doc #38]. The evaluation was performed by a neurological psychologist, Nicholas Barneclo, Ph.D. In his report to the Court, Dr. Barneclo observed that **Jain** had an IQ level of 84 and possibly suffered from vascular dementia or some other potentially debilitating neurological degeneration, secondary to a possible silent heart attack or stroke. Dr. Barneclo's findings represent what the family confirms to be a gradual and subtle decline of the Defendant's mental acuity beginning in 2012, to the present. Despite these observations, Dr. Barneclo concluded that **Jain** was competent to stand trial and could assist his counsel in preparing a defense.

II.

The Court held a competency hearing on January 23, 2015, during which the government and defense stipulated that **Jain** was competent to stand trial. However, both sides agreed and the Court concurred that it would be necessary to have **Jain** undergo a medical evaluation so as to rule out vascular dementia of any other progressive debilitating condition.

III.

Counsel located a neurologist in El Paso, Texas, who was willing to perform a neurological evaluation of **Jain**. Dr. Kaim has performed a preliminary evaluation, a copy of which has been provided to the government. Dr. Kaim has determined that he needs further testing to understand the nature of **Jain's** condition. Although it would be more convenient to perform the scans at a hospital in Las Cruces, counsel for the defense has been unable to locate a facility that would be able and willing to perform the necessary tests on **Jain** in the city. There are, however, facilities in El Paso that are readily accessible for the required tests. An appointment has been set for June 3, 2015.

IV.

Because there may be further testing required, defense counsel is requesting a broader authorization from the Court, which would allow the Marshals to transport **Jain** to all follow-up testing and appointments required by Dr. Kaim.

V.

Defense counsel has conferred with Assistant United States Attorney Sarah Davenport who has authorized the undersigned to represent to the Court that the United States does not oppose this motion.

VI.

This motion is brought pursuant to the obligation of counsel under the 6th Amendment of the U.S. Constitution and not for purpose of delay.

WHEREFORE, it is respectfully requested that the Court grant this motion and authorize the United States Marshal to transport Defendant **Jain** for all follow-up testing and appointments requested by Dr. Kaim, provided that Defendant's family pay the medical costs and the costs of transportation.

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I certify that on this 28th day of May, 2015, I electronically filed the Defendant Pawan Kumar Jain's Motion to Complete Neurological Scans with the Clerk of the Court using the CM/ECF system which will send notification to the following:

Assistant United States Attorneys,
Richard Williams
Sarah Davenport

By: /s/ Jeffrey C. Grass _____
JEFFREY C. GRASS